IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS CENTRAL DIVISION

HEWLETT-PACKARD COMPANY and HEWLETT-PACKARD DEVELOPMENT COMPANY, L.P. Plaintiffs, v. ICL NETWORK SOLUTIONS (HK), LIMITED, Defendant.	Civil Action No. 05-40153 FDS

AFFIDAVIT OF JIN H. KIM IN SUPPORT OF PLAINTIFFS' EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE

I, JIN H. KIM, hereby depose and state as follows:

1. I am a member of the Bar of the State of California and an attorney with the firm of Howard Rice Nemerovski Candy Falk & Rabkin, a Professional Corporation, counsel for Plaintiff Hewlett-Packard Company and Hewlett-Packard Development Company, L.P. (collectively, "Plaintiffs"). I make this statement in support of Plaintiffs' Ex Parte Application For Temporary Restraining Order And Order To Show Cause. Except as otherwise indicated in this declaration, the facts stated herein are known to me of my own personal knowledge and if called upon to do so, I could and would testify thereto.

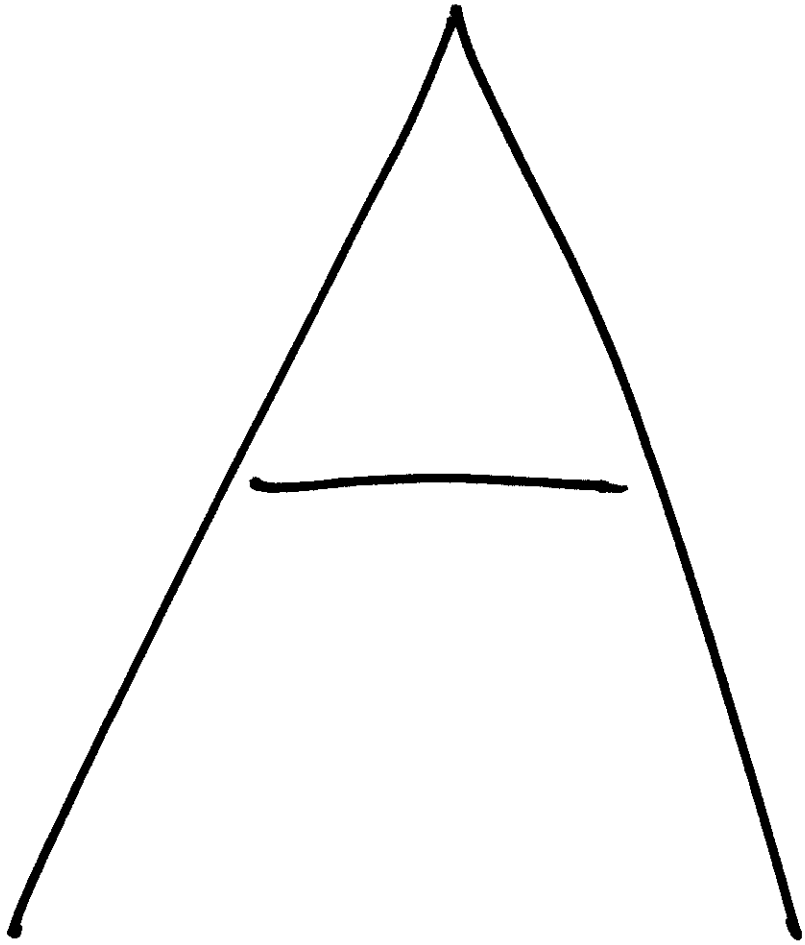
2. Attached hereto as Exhibit A are true and correct copies of the home, Contact Us and Frequently Asked Question pages of the website of ICL Network Solutions (HK) Limited ("ICL"), found at on the internet at www.iclns.com, www.iclns.com/contactus.aspx, and www.iclns.com/faq.aspx, respectively, which my assistant printed from those internet addresses on September 1, 2005.

3. Last year, Hewlett-Packard filed suit in the Central District of California (Western Division) against Computer Superstore, Inc., dba Compu America, Fred Farahmand, The Comp Ltd., LLC, dba LA Computer Center, Hersel Neman and Robert Neman (No. 04-07591 PA (CWx)). In that case, which was settled, invoices produced by defendants revealed that ICL had sold 120 units of purportedly Hewlett-Packard mini gigabit interface converters to defendants in 2003 and 2004. Hewelett-Packard's analysis of several of those mini gigabit interface converters revealed that they were counterfeit.

4. Because giving notice of this Application to Defendant will cause irreparable injury and frustrate the relief Hewlett-Packard seeks, I have not given notice to Defendant of this Application.

Signed under the pains and penalties of perjury this 1st day of September, 2005

JIN H. KIM



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HP-COMPAQ

- Assorted Parts
- Compaq Proliant Servers
- Controllers
- CPU Upgrades
- Disks
- DLT/DAT's
- Hard Drives
- HP Procurve
- Memory
- Miscellaneous
- Notebook memory
- Server memory

IBM RS6000

- Disk Arrays
- Disk Drives
- Drawer
- Enterprise Servers
- Features
- Memories
- Miscellaneous

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Parts

Servers

Tape Drives

Tower

Workgroup Servers

Workstations

Sun Microsystems

Accessories

Controllers

CPU/Processors

Hard Drives

Memories

Network Cards

Sun Fire Servers

System Boards

Tape Drives

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Ordering

Ordering & Payment
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Specials
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Solutions

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Company Profile
Sales Team
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Track Number:

Courrier:

FedEx

Test Equipments

PayPal

Contact Us

ICL Network Solutions (HK), Ltd. , is a global company that works to provide its customers the very best in high-end storage and networking equipment in the market.

Our no. 1 strength lies in our location: ASIA . Here's our Headquarters Address:

ICL NETWORK SOLUTIONS (HK), LTD.
1601-1603 Kinwick Centre
32 Hollywood Road , Central, Hong Kong
Tel: (852) 2851-2272
Fax: (852) 2545-0550
websales@iclns.com

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ROUTERS
SWITCHES
WIRELESS

INTEL

Ethernet Cards

HP-COMPAQ

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Assorted Parts
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Sun Microsystems

Accessories
Controllers
CPU/Processors

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Hard Drives

Memories

Network Cards

Sun Fire Servers

System Boards

Tape Drives

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Frequently Asked Questions

I. Common Questions by New Customers

A. Ordering Online

1. How do I make an **Online Purchase** ?
2. What payment methods are acceptable ?
3. I do not have a credit card, is there another way to purchase items online ?
4. I do not have a PayPal account, where can I get one ?
5. I want to **Purchase Now** , what payment methods can I use ?
6. I want to do business on a regular basis and in bulk quantity, can I get more discounts ?
7. Your website did not ask for my credit card information, how does it handle the payments ?
8. I bought the wrong item, can I have it replaced ?
9. Where can I read about your ordering details ?
10. Where can I contact you for more specific information ?

B. Shipment and Return Policy

1. How does the Purchase order processing work ?
2. Where can I read about your Return policy ?
3. I want to ship using my own courier/ freight forwarder instead of your company's regular shipper, is this possible ?
4. What condition are the items when shipped ?
5. Can I track shipments online ?
6. Does it cost me anything to track shipments online ?
7. Who can I contact if I have a problem with my order ?

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ROUTERS
SWITCHES
WIRELESS

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8. How does the company handle refunds ?

C. Other Questions

1. The items I need are not available in the website, what can I do ?
2. I would like to partner with your company, who can I contact ?
3. Does your Company accept trade-ins or used equipment ?

D. Company Information

1. Where is your headquarters located ?
2. Since you operate from ASIA, isn't there any language barrier ?
3. Do you operate 24 hours ?

II. **Common Questions of existing users**

A. Registration

1. Is registration free of charge ?
2. What are the advantages of registering ?
3. How does the website handle my private information ?
4. If I registered as a user, will my email be used elsewhere ?
5. Where can I read further detail about your Terms and Conditions and Website Use Policy ?

B. Modifying information

1. I need to change my contact details, where can I do that ?

How do I make an Online Purchase ?

Placing an order online is easy. There is no need to create an account prior to selecting which products to buy. Using our secure online procurement system, you can shop online and opt to register with us later when you are ready to place an order. Click here to shop now .

We highly suggest however, that you register with us, (for free) to make your

INTEL

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shopping experience customized to your needs. Registering will also provide you access to special deals and discounts , as well as announcement for spot opportunity offers that we regularly advise our customers.

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What payment methods are acceptable ?

We currently accept **Credit cards** (VISA, MASTERCARD, AMERICAN EXPRESS, and DISCOVER payments via PayPal) for online purchases. Other forms of payment are accepted for International customers with existing accounts, or with orders requiring special attention. These include **Wire Transfer, Letter of Credit, Escrow Account Payment** among other financial instruments. These payment methods are however subject to bank scrutiny and approval.

We are working to enable more methods of payment that are best suited to every customer. If you wish to be notified and be reminded via special member announcements, please register here .

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I do not have a credit card, is there another way to purchase items online ?

There are currently no alternative ways to purchase items online unless via credit cards thru PayPal.

You can opt to purchase items OFFLINE , using other financial instruments (**Wire Transfer, Letter of Credit, Escrow Account Payment**).

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How does purchasing offline work?

You can opt to purchase items OFFLINE , using other financial instruments (**Wire Transfer, Letter of Credit, Escrow Account Payment**). You can proceed with selecting the items you want to buy and when you checkout,

Features
Memories
Miscellaneous Parts
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Tape Drives
Tower
Workgroup Servers
Workstations

Sun Microsystems
Accessories
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Sun Fire Servers
System Boards
Tape Drives

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instead of clicking the PayPal logo, click Offline Payment. Your Order will be submitted to our representatives who will then contact you to discuss the payment options that will best work for your company.

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I do not have a PayPal account, where can I get one ?

If you are not a registered PayPal user, please use this link to get an account.

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I want to Purchase Now, what payment methods can I use ?

You can use **Wire Transfer, Letter of Credit, Escrow Account Payment** instead of an Online Payment. These offline payment options are as easy as paying via credit card. Simply submit the order online using the Offline Payment button and our representatives will contact you immediately to arrange which payment options best work for you.

I want to purchase offline, and want them to contact me now .

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I want to do business on a regular basis and in bulk quantity, can I get more discounts ?

We offer discounts based on quantity and bulk orders, most especially for regular business. These prices are adjusted per project basis and are best suited for system integrators and bidding requirements with big volume requirements. Use this link to contact the sales person responsible for your region to setup an account for you.

Take me to that page now .

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Your website did not ask for my credit card information, how does it handle the payments?

Payments thru PayPal only require your PayPal account. Since you have provided the credit card information via PayPal during PayPal registration, you do not need to provide the same again. Everything else is handled in the background to ensure security, user-friendly and hack-proof transactions.

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I bought the wrong item, can I have it replaced ?

The website ensures that you confirm your purchase first prior to finalizing an order. This eliminates human error and buying any wrong item. Once you submit an order, it is routed to our servers and the respective departments and is deemed final.

For more detailed information please refer to our Terms and Conditions and Return Policy .

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Where can I read about your ordering details ?

You can read about ordering details on the Ordering and Payment tab available in the side menu bar on he homepage.

Take me to that page now .

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Where can I contact you for more specific information ?

It is best to contact the sales person responsible for your region.

Take me to that page now .

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How does the Purchase order processing work ?

Proforma Invoices (Sales Invoices) are generated per Purchase order. A copy is provided for the customer by email and/or fax if the payment is other than online. For online purchases, a confirmation copy will be generated for you in the site, and another from PayPal. These will serve as your proof of payment. Please ensure to keep a copy for your purposes.

Please contact us if you are a new customer, and require further information.

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Where can I read about your Return policy ?

You can read about ordering details on the Ordering and Payment tab available in the side menu bar on he homepage.

Take me to that page now .

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I want to ship using my own courier/ freight forwarder instead of your company's regular shipper, is this possible ?

Yes! You have the option to use your preferred shipping partner, courier or forwarder. Just indicate the same in the shipment form provided and our representatives will take care of the rest.

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What condition are the items when shipped ?

Products are always new in unopened box unless specified as either refurbished, used, pulls, etc. Packaging is dependent on the manufacturer and brand as well as the condition of the item.

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Can I track shipments online?

Yes! You can track the shipments in REAL-TIME once you order. Our company places much value on communicating with the customer, that we want them to be kept updated and in control of their shipment all the time.

We allow real-time tracking for items shipped via United Parcel Service (UPS), United States Postal Service (USPS), Federal Express (FedEx), DHL World Wide Express (DHL), Canada Post, and Airborne Express (Airborne).

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Does it cost me anything to track shipments online?

No. Tracking your own order is provided as a free value-added service from our Company.

I want to track my order now!

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Who can I contact if I have a problem with my order ?

Please contact our web sales customer service and we will handle them most urgently.

How does the company handle refunds ?

All refunds are credits to customer accounts, and are not convertible to cash, unless under unique account and/or circumstances. This credit must be consumed within 90 days of its issuance or it will be nullified.

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The items I need are not available in the website, what can I do ?

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If your requirements are unique and are unavailable online, do contact the salesperson assigned to your region for more detailed information. They will be more than happy to assist you in your project requirements.

I want to contact a sales person now .

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I would like to partner with your company, who can I contact ?

Send us email using this address and our representatives will contact you as soon as possible.

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Does your Company accept trade-ins or used equipment ?

No. Unfortunately, we do not accept trade-ins at the moment. Used equipment on the other hand is subject to approval. If the list is substantial, you can submit the same using this form , and our representatives will contact you immediately.

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Where is your headquarters located ?

ICL Network Solutions(HK), Ltd . , is a global company that works to provide its customers the very best in high-end storage and networking equipment in the market.

Our no. 1 strength lies in our location: ASIA . Here's our Headquarters Address:

ICL NETWORK SOLUTIONS (HK), LTD.

1601-1603 Kinwick Centre
32 Hollywood Road ,

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Central, Hong Kong

Tel: (852) 2851-2272
Fax: (852) 2545-0550
E-mail: websales@iclns.com

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Since you operate from ASIA , isn't there any language barrier ?

No. There is absolutely no language barrier. Our representatives are articulate speak perfect English.

We hire only the best people capable of solving complex problems. Further, the Asian culture brings in unmatched hospitality and service. They are trained thoroughly in the business and are most welcome to help you with your requirements.

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Do you operate 24 hours ?

Yes! Having situated operations in major business hubs primary of which is Hong Kong , including the UK , and the United States , the company operates virtually through all time zones and affords its customers an expansive sourcing reach for their requirements on a worldwide scale.

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Is registration free of charge ?

Yes! Registration is completely free of charge.

I want to register now !

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What are the advantages of registering ?

Registration provides you added services for free. These include access to special deals and company advisories and announcements. As our website is under continuous development, in the future, you will be allowed to repeat orders in a single click, view your account history as well as easily track your shipments online.

I want to register now !

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How does the website handle my private information ?

Your information is safe with ICL. All information is for internal use only and are not sold or provided for third party companies. The website runs under high security and you can be certain that all your information is kept confidential.

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If I registered as a user, will my email be used elsewhere ?

No. Your email is for login and contact reference use only. They are not to be provided for third party companies.

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Where can I read further detail about your Terms and Conditions and Website Use Policy ?

Our Terms and Conditions, and Website Use Policy can be reached using this link:

Take me to that page now .

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I need to change my contact details, where can we do that ?

You need to login first. Once inside your account, you have the option to change your contact details.

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